

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:11.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.6501 of 2019
and
Crl.M.P.Nos.3595 & 3596 of 2019

R.Sheik Abdulla

...Petitioner

Vs.

1.State rep by Inspector of Police,
J5 Shasthri Nagar Police Station
Chennai (Crime No.328/2016)

2.Mythili

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C to call for records in S.C.No. 350 of 2016 on the file of learned Mahila Court, Chennai & quash the same.

For Petitioner : Mr.A.M.Amutha Ganesh

For Respondent-1: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner / 2nd Accused to call for records in S.C.No. 350 of 2016 on the file of learned Mahila Court, Chennai & quash the same.

2.The learned counsel for the petitioner would submit that the 1st accused and the defacto complainant appeared before the Court and they were identified by Mr.K.Krishnasamy, Sub-Inspector of Police. The parties have got compromised and both have got married and living together happily. They have also filed a joint memo of compromise in Crl.O.P.Nos.5203 & 5205 of 2019. The relevant portion of the Memo is extracted hereunder:

"3.We got married on 20.07.2018 at Sri Nagakanniyamman Thirukoil, Arjunamedu, Tiruverkadu and living as spouses at the above said address from the date of marriage.

4.It is submitted that there are 2 cases against the 1st of us i.e. G.V.Sathish Kumar vide S.C.No.287 of 2015 and S.C.No.350 of 2016. Both the cases are pending before the Hon'ble Mahila Court, Chennai.

5.The status of the case is that it is posted for

arguments.

6.The 2nd of us i.e. K.Bhavani submits that as we both have got married, all the differences and dispute is compromised between both the families, and therefore we both got married and living together as husband and wife. Therefore, the case is pending before the Hon'ble Court be quashed as we have reunited as husband and wife.

7.The act of 1st who the husband of the 2^{ns} of us, can be condoned mercifully and allow the spouses herein to live as husband and wife and to get the better future and prosperity.

8.It is true that the parties herein are in love with each other for the past years. Therefore, the act of 1st of us is immaculate in nature."

The 2nd respondent/ wife has also filed an affidavit, wherein she has stated as follows:

"1.I submit that I am the daughter of the defacto complainant and wife of the petitioner / Accused herein and as such I am well acquainted with the facts and circumstances of the case.

2.I submit that myself and the petitioner / accused herein were in love with each other for the past years and we have got married on 20.07.2018 at Sri Nagakanniayamman Thirukoil, Arjunamedu, Tiruverkadu and we are living together as spouses in the address mentioned above.

3.I submit that prior to this, my mother who is the defacto complainant herein has given complaint against my husband, who is the petitioner/ accused herein vide S.C.No.287 of 2015 and S.C.No.350 of 2016, and both are

pending on the file of this Hon'ble Mahila Court, Chennai for arguments.

4.I submit that as both myself and the petitioner herein got married and happily living as spouse, all the disputes between our families are compromised and we spouses are aheading towards the next phase of our life. Hence, it is just and necessary the charge sheet in the above settled cases filed against my husband may be quashed.

5.I submit that the act of the petitioner / accused herein who is my husband can be condoned mercifully and we spouses be allowed to live as husband and wife peacefully and to get prosperous future.

6.I submit that if in case, the said cases against my husband are not quashed, I would face

untold prejudice and mental agony, which cannot be compensated by any means in the future. Hence, this affidavit of mine for quashing the charge sheet against my husband in S.C.No.287 of 2015 and S.C.No.350 of 2016, may be accepted by this Hon'ble Court considering our future".

In view of the compromise arrived at between the 1st accused and the 2nd respondent, the proceedings in S.C.No.287 of 2015 and S.C.No.350 of 2016 are quashed by this Court by its order in Crl.O.P.No.5203 and 5205 of 2019 on 27.02.2019 as against the 1st accused.

3. Based on the Joint memo of Compromise filed by the 2nd respondent and the 1st accused and also based on the affidavit filed by the 2nd respondent / defacto complainant stating that the 2nd respondent has no objection in quashing the proceedings in S.C.No.350 of 2016, pending on the file of the learned Mahila Court, Chennai, the entire proceedings in S.C.No.350 of 2016 was quashed as against the 1st Accused.

4. It is seen from the records that the petitioner has arrayed as the 2nd accused in S.C.No.350 of 2016 alone. This Court by its order dated 27.02.2019 in Crl.O.P.Nos.5203 & 5205 of 2019 quashed the entire proceedings as against the 1st accused. It is also seen from the joint compromise memo filed by the 2nd respondent / defacto complainant and the 1st Accused in paragraphs 3 to 8, wherein the 2nd respondent averred that she has compromised all her disputes between the families and she would like to withdraw the entire proceedings as against all the accused persons in S.C.No.287 of 2015 and S.C.No.350 of 2016. Accordingly, keeping the proceedings pending as against the petitioner / 2nd Accused would not serve any purpose and it is only abuse of process of law and to meet the ends of justice, this Court is inclined to quash the proceedings as against the petitioner / 2nd Accused on the file of learned Mahila Court, Chennai.

6. Accordingly, this Criminal Original Petition stands allowed. The proceedings in S.C.No.350 of 2016 is hereby quashed as against the petitioner/ 2nd accused herein. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To.

1.The Mahila Court, Chennai

2.The Inspector of Police,
J5 Shasthri Nagar Police Station
Chennai (Crime No.328/2016)

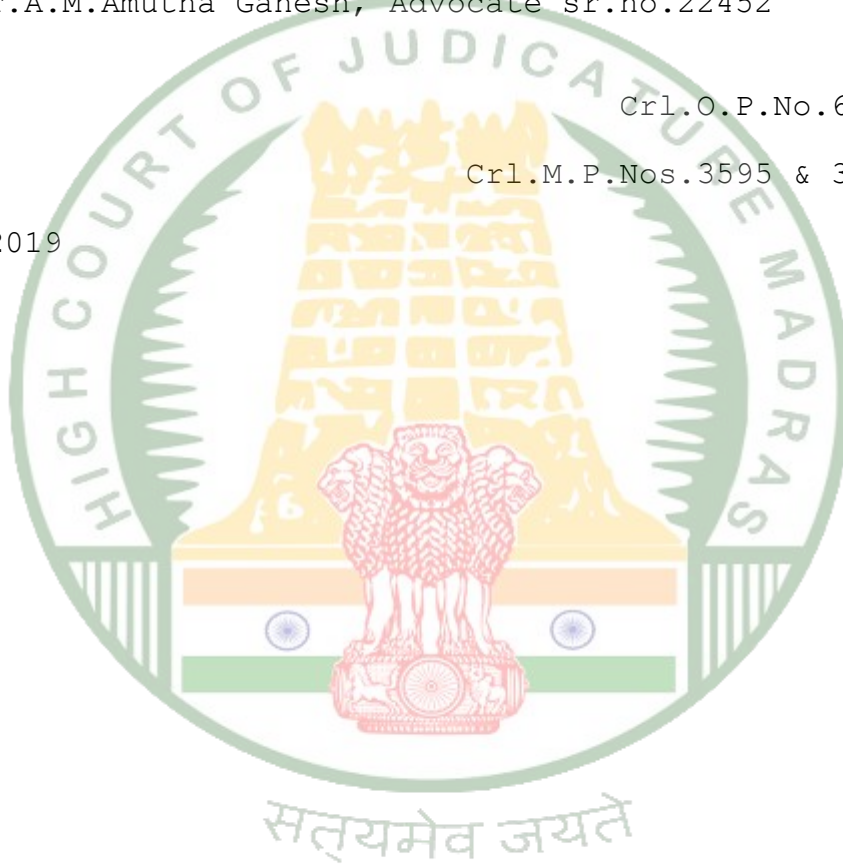
3.The Public Prosecutor
High Court of Madras

+1cc to Mr.A.M.Amutha Ganesh, Advocate sr.no.22452

Crl.O.P.No.6501 of 2019
and

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